IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Eugenio Cefali, et al.

Serial No.:

08/960,557

Filing Date:

31 October 1997 50454-56103USCIP

Docket Number:

METHODS FOR TREATING HYPERLIPIDEMIA WITH

INTERMEDIATE RELEASE NICOTINIC ACID

COMPOSITIONS HAVING UNIQUE

BIOPHARMACEUTICAL CHARACTERISTICS

Art Unit:

1615

Examiner:

J.M. Spear

Date:

Title:

4 January 2005

Attn: Petitions Attorney Frances Hicks ((517) 272-3218)

Office of Petitions

Madison Building (West), 600 Dulany Street

JAN 0 4 2005 OFFICE OF PETITIONS

Mail Stop 313(c)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO EXPUNGE INFORMATION <u>UNDER 37 C.F.R. § 1.59</u>

Sir:

Applicants respectfully petition the Commissioner to expunge the materials identified on the Supplemental Information Disclosure Statement as "subject to protective order" if, after Examiner's consideration, any of the materials are found not to be important in deciding whether to allow the application.

FEES

The Commissioner is hereby authorized to charge the petition fee of \$130.00 as set forth in 37 C.F.R. 1.17(g) to Deposit Account No. 50-2543. The Commissioner is hereby authorized to charge any additional or increased fees, or to credit any overpayment to Deposit Account No. 50-2543.

Applicants' undersigned attorney may be reached by telephone at (954) 331-3825.

All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

Kanen J. Messick

Attorney for Applicants Registration No. 46,256

Kos Pharmaceuticals, Inc. 2200 North Commerce Parkway Suite 300 Weston, FL 33326

Phone 954.331.3825 Fax: 954.331.3867

Date: 1 4 05